

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

September 15, 1999
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlieck, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Additions to the Agenda included a VFW Proclamation and Steve Roe with KandiLink.

Council Member Kelly offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of September 1, Pioneerland Library Board Minutes of June 17, Housing and Redevelopment Authority Minutes of August 24, Park and Leisure Services Board Minutes of September 7, Airport Commission Minutes of September 7, and Planning Commission Minutes of September 9, 1999; and Mayoral appointment of Frank Yanish to the Planning Commission. Council Member Reese seconded the motion, which carried.

Mayor Heitke read a proclamation recognizing the 100th Anniversary of the VFW and established September 29, 1999, as VFW Day.

Mayor Heitke recognized Corey Elmer, Flaherty & Associates, who reviewed 1999 and 2000 legislation identified by the Coalition of Greater Minnesota Cities as issues of concern to communities in out-state Minnesota. The CGMC consists of 61 cities and Willmar Mayor Heitke was President last year. Mr. Elmer stated the CGMC achieved its major legislative objective for the session: LGA was unchanged; legislation was passed making state agencies more accountable for their rules; fought off attempts to repeal the Municipal Board sunset; and stopped license tab fee cuts that could have jeopardized highway funding. Mr. Elmer discussed topics of property taxes and LGA, transportation, annexation and land use, and the environment. This matter was for information only.

The Finance Committee Report of September 7, 1999, was presented to the Mayor and Council by Council Member Kelly. There were six items for Council consideration.

Item No. 1 Police Chief Kulset presented to the Committee a brief explanation of a request to transfer excess personal service appropriations for the purchase of three mobile data terminals. The excess funds were due to one officer who was on military leave, not receiving salary for four months, the Community Service Officer position has been vacant for several months, and the savings realized from the Public Safety Director and Captain's positions.

The Committee was recommending to the Council pass a resolution to re-appropriate the funds in the 1999 Police Department Budget. Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the Police Department Budget:

Increase:	Capital Outlay - Mobile Data Terminals	\$22,150.00
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Decrease: Personnel Services

\$22,150.00

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed the status of the Civic Center Debt Service Account. Since the balance in the account was not needed due to the bonds being called and paid off in 1996, it was staff's recommendation to close the account and transfer all remaining funds into the Civic Center parking lot project account.

The Committee moved to recommend that the Council pass a resolution to transfer the funds as recommended. Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to close the Civic Center Debt Service:

Increase: Transfers Out - Parking Lot Project \$30,820.00

Decrease: Cash \$30,820.00

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that, due to a law change, the City needed to revise its fee structure for licensing of amusement devices. The present fees are \$40 per machine for the first 10 machines and \$10 per machine after that at any one location. The new law restricts fees to be no more than the demonstrated and verifiable actual cost of issuing the license or no more than \$15 per location plus \$15 per machine.

Staff explained that if the Council wanted to implement the location charge, it would require an ordinance change. If the Council chose to amend the per machine charge, it would require a resolution. It was the feeling of the Committee that since the City could implement the location fee at any time, the Council should only amend the per machine fee. The Committee moved to recommend that the Council pass a resolution setting the amusement machine fee at \$15 per machine.

Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City Council of the City of Willmar, Minnesota, did adopt an ordinance licensing coin-operated amusement devices; and

WHEREAS, Minnesota Statute Chapter 449.20 limits city license fees on amusement fees.

NOW, THEREFORE, BE IT RESOVLED by the Willmar City Council that an annual fee is imposed of \$15.00 per machine for a coin-operated mechanical amusement device.

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the fund section of the 1999 Budget. This matter was for information only.

Item No. 5 Mayor Heitke and staff presented and reviewed with the Committee the Year 2000 Mayor's Proposed Budget. Items discussed were the Budget Calendar, proposed revenues and appropriations. Also discussed was the need to set the preliminary tax levy to be certified to the County Auditor. The Mayor proposed to set this at the maximum of \$2,375,593 because of the regulation allowing the option to decrease the levy but not increase it after the preliminary certification. The Committee was recommending to the Council pass a resolution setting the preliminary Tax Levy at \$2,375,593.

Resolution No. 4 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that \$2,375,593.00 be levied for the current year collectable in 2000, upon the taxable property in said City of Willmar;

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City to pay principal and interest in 2000 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2000 - 2001 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$65,314.00 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Budget packet distributed by the Mayor was received for information only and staff was directed to place the year 2000 Budget on future agendas for discussion. The Finance Committee will meet on November 22, 1999, to review the budget in detail.

Item No. 6 The following items were placed on future Committee agendas: Senior Nutrition Funding and the Year 2000 Budget.

The Public Works/Safety Committee Report of September 8, 1999, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 2 The Committee reviewed the bids opened for reconstruction of the parking lot at the Civic Center. The Engineer's estimate for the project is \$291,800 with the low bid of Riley Brothers Construction, Inc. coming in at \$279,809.50. Staff informed the Committee of a \$30,000 deficit in available funding and recommended utilizing Park Development Reserve funds for the difference.

The Committee was recommending to the Council to accept the bid of Riley Brother Construction, Inc., authorize the Mayor and City Administrator to enter into agreement on behalf of the City, and approve allocating \$30,000 from the Park Development Reserves for additional funding. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes8, Noes 0.

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Riley Brothers Construction Inc. of Morris, Minnesota for the Civic Center Parking Lot is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$279,809.50.

Decrease:	Park Development Reserves	\$30,000.00
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/s/ Lester Heitke
MAYOR

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The Committee was recommending to the Council to adopt a resolution stating the City is willing to pay its share of the costs related to the project. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS the State of Minnesota, Department of Transportation, proposed to make certain improvements on Trunk Highway 12 from 7th Street West to 127 feet west of Dolson Street in the City of Willmar; and

WHEREAS the City of Willmar has requested that the Minnesota Department of Transportation add to the proposed Trunk Highway No. 12 Construction Project water main and sanitary sewer construction to be performed on various City streets; and

WHEREAS the Minnesota Department of Transportation has requested that the City formally indicate its intent to pay the full costs of the water main and sanitary sewer construction which will be added to the proposed construction project at the request of the City.

NOW, THEREFORE, BE IT RESOLVED that the City of Willmar, Minnesota, shall pay the full costs of the water main and sanitary sewer construction which will be added to the construction project at the request of the City.

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff informed the Committee of the Wastewater Treatment Plant's Annual Evaluation and Planning System results submitted to the MPCA earlier this year. The MPCA requires the report be discussed at a Council/Board meeting within 30 days of submittal. The report provides information useful for future planning. The Committee was recommending to the Council to adopt a resolution stating the Council has reviewed the survey and authorize staff to relay such to the MPCA. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 7

WHEREAS, the City of Willmar has participated in the 1999 Minnesota Pollution Control Agency Water Quality Division's Annual Evaluation and Planning Survey; and

WHEREAS, the results of said survey have been forwarded to the City; and

WHEREAS, the City's Public Works/Safety Committee at their meeting of Wednesday, September 8, 1999, has reviewed and discussed said survey and results.

NOW, THEREFORE, BE IT RESOLVED, that the said survey is hereby accepted and received for file in the official records

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee reviewed an agreement with Kandiyohi County for ongoing maintenance of the new library. Initially the City was to obtain sole ownership and bill the County for maintenance costs, but due to the mechanical system shared by the library and courthouse, this was deemed too difficult.

Staff is now proposing the City and County continue joint ownership, with the County taking the lead role in maintenance and billing the City at a 40/60 percent (City 60%) split.

The Committee was recommending to the Council to authorize the Mayor and City Administrator to sign the agreement on behalf of the City. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 9.

RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the Mayor and City Administrator are authorized to sign the agreement with Kandiyohi County for the on-going maintenance of the new Willmar Public Library.

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed a draft easement to Kandiyohi Power Cooperative for a transmission line project. After the project had started, it was realized an easement was needed from the City in an area near Willmar Avenue. Staff met with their representatives and the easement now needs to be finalized and recorded.

The Committee was recommending to the Council that the easement request be referred to the Planning Commission, and following their review and approval, an ordinance be introduced for hearing. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

The Public Works/Safety Committee Report of September 8, 1999, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Kelly, and carried.

City Clerk Halliday presented to the Mayor and Council a list of property owners who have made application for agricultural land exemptions and have met criteria contained in the City's Assessment Policy. The Assessment Policy allows the City to temporarily exempt from assessment certain lands currently used for agricultural purposes. Following discussion, Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 9801, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9801, 9701, 9303, 9202, 9004, 9002, 7402 and 6905; and

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agricultural purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no

interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that a tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater: (list of property owners on file in the City Clerk's Office)

Dated this 15th day of September, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke recognized Steve Roe, Chairman of the KandiLink Consortium. Mr. Roe updated the Mayor and Council on telecommunication activities surrounding the forthcoming US West sale of the Willmar exchange to citizens and the concerns of access, local representation, affordability, and future infrastructure investment. KandiLink will be a voice for Willmar as it needs to make its presence felt to the Public Utilities Commission and Federal Communications Commission. KandiLink will be submitting a request to the PUC to assure the citizens have several basic features such as redundant long distance or looped lines to prepare for a line cut to a major telecommunications artery, senior residential affordable service, good connection, high speed deal-up, and a local marketing presence.

Mr. Roe was proposing that the Council become proactive in telecommunications because requests to the PUC or a local partnership with the FCC need a city government presence. Willmar Municipal Utilities General Manager Mike Nitchals stated the WMU initially helped form the group with telecommunication concerns to encourage improvement and to assure the needs of the community was met.

Following the presentation, Council Member Kelly offered a motion to refer the matter to the Community Development Committee for consideration. Council Member DeBlieck seconded the motion, which carried.

Mayor Heitke announced the Library would be holding an Open House on September 18, 1999.

Announcements for Council Committee meeting dates were as follows: Finance, September 20; Community Development, September 23; Public Works/Safety, September 28; and Airport Commission, October 5, 1999.

There being no further business to come before the Council, the meeting adjourned at 8:15 p.m. upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL